IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

CIVIL CASE NO. 3:08cv367

HIGH VOLTAGE BEVERAGES, L.L.C.,)	
Plaintiff,)	
vs.)	ORDER
THE COCA-COLA COMPANY,))
Defendant.)	
)	

THIS MATTER is before the Court on the Defendant's Motion to Dismiss Bad Faith Claim [Doc. 18]. Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, United States Magistrate Judge Dennis L. Howell, was designated to consider said Motion and to submit to this Court recommendations for the disposition of this motion.

On November 10, 2008, the Magistrate Judge filed a Memorandum and Recommendation [Doc. 28] in which he recommended denying the motion to dismiss. The parties were advised that any objections to the Magistrate Judge's conclusions and recomendations were to be filed in writing within ten days of service of the Recommendation and that failure to

file objections to the Memorandum and Recommendation would preclude the parties from raising any objection on appeal. [Doc. 28 at 11]. The period within which to file objections expired on December 1, 2008 and no written objections to the Memorandum and Recommendation have been filed.

The Court concludes that the Magistrate Judge's recommendation is supported by the record and the law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation.

IT IS, THEREFORE, ORDERED that Defendant Coca-Cola's Motion to Dismiss Plaintiff's Bad Faith Claim [Doc. 18] is hereby **DENIED**.

Signed: December 2, 2008

Martin Reidinger

United States District Judge